

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

SHANNON ORY,

Plaintiff,

v.

HAMILTON COUNTY, TENNESSEE;
HAMILTON COUNTY SHERIFF'S OFFICE;
SHERIFF JIM HAMMOND, OFFICER
ROBERT STARNES; OFFICER JEFF
BAKER; OFFICER ROBIN LANGFORD;
OFFICER PAUL HOLLOWAY; OFFICER
VAN HINTON; CITY OF COLLEGEDALE;
COLLEGEDALE POLICE DEPARTMENT;
CHIEF BRIAN HICKMAN; OFFICER
DARRELL HANNAH;

Defendants.

1:13-cv-110

Judge Curtis L. Collier

JUDGMENT ORDER

For the reasons expressed by the Court in its memorandum filed herewith, it is hereby

ORDERED that:

- (1) Plaintiff Shannon Ory's ("Plaintiff") prisoner motion to proceed *in forma pauperis* is **DENIED as MOOT** (Court File No. 1);
- (2) Plaintiff's non-prisoner motion to proceed *in forma pauperis* is **GRANTED** (Court File No. 8);
- (3) Plaintiff's motion to appoint counsel is **DENIED** (Court File No. 5);
- (4) Plaintiff's motion to amend the AO 440 forms is **DENIED** and the Clerk is

ORDERED to **REDACT** Defendants' home addresses from document number nine and all the summonses (Court File Nos. 9 & 9-1, at 1-8); and

- (5) Pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A the Plaintiff's claims that he was maliciously prosecuted and his conviction is based on an illegal search and seizure and perjured testimony are *sua sponte* **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted because those claims are barred by the *Heck v. Humphrey*, 512 U.S. 477 (1994) favorable termination rule. Plaintiff's medical claim is *sua sponte* **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A, and the complaint is **DISMISSED** in its entirety (Court File No. 2).

Upon carefully reviewing this complaint pursuant to 28 U.S.C. § 1915(a)(3), this Court hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court hereby **DENIES** plaintiff leave to proceed *in forma pauperis* on appeal. *See* Fed. R. App. P. 24.

The Clerk is **DIRECTED** to close this case.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Debbie Poplin
CLERK OF COURT